

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

\_\_\_\_\_  
VESTA CORPORATION,

Plaintiff,

V.

VESTA MANAGEMENT SERVICES, LLC,

Defendant.  
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) CIVIL ACTION NO. 4:15-CV-00719  
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**ORDER GRANTING PLAINTIFF VESTA CORPORATION'S  
MOTION FOR SUMMARY JUDGMENT**

On the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2015, the Court considered plaintiff Vesta Corporation's Motion for Summary Judgment and decided that request should be granted.

It is ORDERED that defendant Vesta Management Services, LLC, its officers, directors, agents, servants, employees, members, successors, assigns, and all those in privity with or in active concert or participation with them are permanently enjoined and restrained from:

- i. Using the VESTA service mark or any confusingly similar mark, symbol, device, logo, word, term or name, or any combination thereof, in connection with their business or the sale of any goods and services in any manner or context whatsoever without prior written authorization from plaintiff Vesta Corporation;
- ii. Making any statement or representation and/or performing any acts likely to lead the public, or individual members of the public, to incorrectly believe that defendant Vesta Management is directly or indirectly associated or connected with, or sponsored or approved by, plaintiff Vesta Corporation;

iii. Engaging in any acts or activities calculated to trade upon plaintiff Vesta Corporation's VESTA service mark or the reputation or goodwill of plaintiff Vesta Corporation, or in any manner to falsely designate defendant Vesta Management's goods and/or services as originating with, being associated with, or sponsored or approved by plaintiff Vesta Corporation; and

iv. Committing any other act that infringes or dilutes the quality or value of plaintiff Vesta Corporation's VESTA service mark or constitutes an unfair trade practice, unfair competition, or false advertising; and

It is further ORDERED that defendant Vesta Management Services, LLC, shall pay to plaintiff Vesta Corporation its attorneys' fees and costs incurred in connection with this action pursuant to 15 U.S.C. § 1117(a); and

It is further ORDERED that, within 14 days of the entry of this Order, plaintiff Vesta Corporation shall file a motion pursuant to Fed. R. Civ. P. 54(d)(2) that states the total amount of attorneys' fees sought.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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THE HONORABLE JUDGE ROSENTHAL